

The Bill Blackwood  
Leadership and Command College of Texas

Policy in the Police Narcotics Unit

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## **ABSTRACT**

Police agencies worldwide continue to address attacks on the integrity of their officers, and on the agencies themselves, due to corruption of police officers. Officers in particular assignments, such as the narcotic's unit, are placed in a precarious position. While the officer's intent is to enforce the law, without proper guidance, policies and procedures the officers may lose sight of who they are and what they are there to accomplish. For this purpose, policies and procedures in police narcotic's unit are essential if law enforcement agencies are to protect the citizenry, the officers, the agency and the reputation of all law enforcement professionals.

It is the responsibility of all law enforcement administrators to provide sufficient guidance, policy and procedures to employees. It is hoped this will prevent conduct or behavior that warrant complaints. Officers operating under clear guidelines will almost assuredly develop their confidence and expertise in the field of narcotics investigations. A survey of twenty-six Texas police agencies revealed that having a written policy for the narcotics unit was fairly common among larger agencies. A majority of agencies responding to the survey believed that having a written policy was beneficial to the agency and personnel. From a legal standpoint, while it is not required to have written established policies or procedures they can provide some protection. Surveys show that agencies can be liable for the actions of their employees with or without written policy or guidelines.

In conclusion, it is critical that law enforcement agencies develop and implement policies necessary to guide officers assigned to the police narcotics unit to prevent loss of credibility, integrity, and civil and criminal liability.

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## **Introduction**

The subject of this research paper is the need for a policy in the Allen Police Department Narcotics Unit. This policy would be designed to assist in the management of personnel and the administrative functions within the department, such as equipment, handling of funds and other resources. The needs for the unit, community issues, legal aspects and relevance to officers will be presented.

From January 1997 to October 1998, the North Central Texas area was experiencing a high rate of teenage deaths attributed to heroin overdoses. The City of Allen experienced the death of four of those teenagers. The outcry from the citizenry of Allen was overwhelming. Constant inquiries were pouring in, asking the questions: "What is the police department doing?" and "Why did you wait until a child died to do something?" The police department had conducted limited investigations, but did not have an established narcotics unit. With the increased concerns of the community and the city council's willingness to allocate funds, a narcotics unit was established. Since implementation, three officers have been assigned to the unit. All the officers have attended training on the "how to" of narcotic and undercover operations. Still, many questions arise because officers have no written policy or guideline to reference.

The purpose of this research project is to define goals and objectives of the police narcotics unit, address the needs of the community, legal aspects and the relevance to the officers assigned to the unit. Police agencies worldwide continue to address attacks on the integrity of their officers and the agency itself. With the implementation of policy or

guidelines, police administrators can clearly define acceptable practices. Upon completion, this policy would be reviewed and approved by the legal department to ensure they can defend the department in the event of a lawsuit. Of utmost importance, this policy would provide officers with guidelines to ensure their understanding and adherence to the expectations of the administration.

During the research project, policies from neighboring agencies and agencies comparable in size and demographics will be reviewed and evaluated. Personal interviews with officers and administrators knowledgeable in the field of narcotics investigation will be conducted. Literature regarding the implementation of narcotics units will also be reviewed.

The intended outcome of the research is to provide police administration with the facts that a comprehensive narcotics policy is essential to the professional law enforcement agency. It is expected that the results of this research will provide the framework for the development and implementation of a comprehensive policy. The implications of this particular research have been proven time and again by various agencies. Municipalities that operate a narcotics unit without clear and specific policies or guidelines set themselves up for failure. With the implementation of a policy, it is expected that the efficiency and effectiveness of the narcotics unit would be enhanced considerably. Furthermore, discredit and liability to the organization as a whole would be less likely.

The findings of this research paper will have an effect on the line officer assigned, departmental administrators, and the City of Allen respectively. The citizens of Allen will benefit as well with the responsibility and accountability measures being placed on the officers, the department, and the City of Allen as a whole.

## **Review of Literature**

Law enforcement administrators have a responsibility to ensure that officers assigned to enforcing drug laws maintain the highest level of integrity and credibility (Smejkal, 1996).

The policy of the Allen Police Department states: Both professional law enforcement administration and the management of liability require a manual, which governs the activities of a police department. A manual of policies, rules, and procedures guides the day-to-day legal and ethical functioning of the police department.

The Allen Police Department General Orders Manual, Written Directive System states, "The purpose of this General Orders Manual is to provide guidelines for the operation of the Allen Police Department. This manual has been written to inform not only employees, but also the public, of the principles to be adhered to in the performance of the law enforcement function. Command and supervisory personnel are charged with the responsibility to assure that input is gathered from all levels and are accountable for the proper dissemination and implementation of all adopted policies and procedures" (Allen Police Department, pp. 101).

It is the responsibility of law enforcement administrators to provide sufficient guidelines to their employees that may prevent conduct or behavior of its employees that might warrant complaints. The investigation of complaints by police personnel does more to protect the agency's reputation with the community they serve by providing assurances that officer misconduct will not be tolerated (Myrick, 1999).

To that end, it is the goal of the Allen Police Department to provide its officers with sufficient guidance to ensure the officers knowledge, understanding and expectations of the administration, to best serve our community.

Everyone agrees on the need for more prevention and drug treatment programs. That is, reducing the percentage of people who use drugs and the rate at which drug users continue to use those drugs (Tonry & Wilson, 1990). Any community cannot ignore drugs and crime. It is therefore necessary to work with community leaders to support prevention and treatment programs and to enforce the state and federal laws pertaining to the manufacture, possession, delivery and consumption of illegal substances as defined in the Texas Health and Safety Code and federal statutes that apply. In order to ensure the proper enforcement of such laws, narcotics enforcement personnel must be provided sufficient guidance by their agency administrators to protect the officers and the citizenry. Society does not rate a police department by the statistical information that is compiled for use in the Uniform Crime Reports. Response to the complaints of citizens and removal of what the citizen perceives as threatening criminal conditions are the criteria used by citizens in measuring the department's effectiveness (Cushing, 1989).

It is reported that some agency's narcotics investigators work off established practices in lieu of written policy or standard operating procedure (Manning, 1989) (see survey of police agencies & appendices). While this is not preferred, the fact that an agency makes known the departments objective's and provides some guidance to their narcotics officers are much preferred. Agencies that allow officers to somewhat freelance and choose their own method of investigation without accountability and reporting procedures has proven to be devastating to the officers involved and their respective agencies. Without standards, policy or standard operating procedures, administrators may meet with the inevitable "corruption".

The backlash of corruption struck the small city of Lavon, Texas in November 1997, when headline news read "Ex-Officer Pleads Guilty to Stealing" 1997. The Lavon Police Department did not have policy, standard operating procedures or the accountability processes to

keep its officers in check. One of five paid officers, a Lieutenant, working as an undercover narcotics investigator, had stolen money, drugs and property while conducting drug raids. The Lieutenant had little guidance from his superiors who believed he was the most knowledgeable about narcotic investigations and that his integrity was unshakable. Inevitably, this officer's lack of ethics and integrity placed him in jail, and left the department and the City of Lavon liable for the officer's actions. Ultimately, the public trust was shattered. The police agencies that once worked with the officers of this department questioned their own actions and the investigations the officer assisted them with. Many of the cases filed by this officer and even the cases he assisted on with other agencies were placed in jeopardy and some were just dismissed by the agencies.

The use of covert investigations provides for less control than police administrators would like. One of the problems is the use of deceptive tactics by the police that affects public perceptions of the police as representatives of the criminal justice system (Brown, 1989). Narcotics investigators must routinely be deceptive about who they are and what they want, sometimes causing the officer to lose sight of whom he is and what he is there to accomplish. Narcotics investigators are routinely questioned in court about their deception in making the case. While this is not cause for dismissal of evidence, in jury trial situations it sometimes can cause misconceptions of the narcotics officer and therefore doubt in a juror's mind.

Perceived pressure to perform by the narcotics investigator can lead to falsifying testimony, documents, evidence and investigative information. Narcotics investigators are in a position of public trust and confidence to a greater extent than any other law enforcement officer (Mahoney, 1992). Improper investigation leads to public distrust in law enforcement.



Officers selected to work in narcotics assignments are viewed with respect, envy, and jealousy by their peers and commanding officers. Each individual has a responsibility to earn the benefits of the assignment. Narcotics investigators should work aggressively to avoid alienation between patrol officers and themselves (Mahoney, 1992). The keys to narcotic investigations are the undercover operations and proper selection of personnel (Lyman, 1989). A narcotics officer must exhibit higher leadership qualities because of the conditions they are required to work in. Decisions must be made in split seconds under dangerous and stressful situations. Lastly, one of the most important components of leadership is an officer's character. An officer with strong character will follow his conscience under any condition when they are convinced it is the right thing to do.

Agencies that operate without a policy or standard operating procedure tend to create custom or practices that are passed on by word of mouth. Often times the message gets lost in the translation causing misunderstandings of the expectations or practice. It is the preference of the Allen Police Department to prevent this type of miscommunication or misunderstanding with its employees.

From the legal aspect of whether to have a policy or standard operating procedure, research does not show that departments without policy are any more susceptible to a lawsuit than those that do have. Guidelines and the context in which they appear in a police manual show they are meant to safeguard the police and other innocent parties. A violation of these guidelines might be deserving of discipline, but are irrelevant to a plaintiff in a lawsuit. It seems critical that law enforcement agencies be capable of developing and implementing policies that are deemed necessary to fulfil their missions without being overly concerned that doing so will create increased risks of liability (Hall, 1999).

Narcotics personnel will be charged with search and seizure issues, and seizure and forfeiture issues following state and federal guidelines. Violations of these laws and guidelines may result in criminal prosecution if not completed properly. Proper accounting procedures for seized and forfeited funds and property must be clearly outlined for the personnel that deal with it on a daily basis. Audits of these accounts are crucial to the department. Even the Federal Drug Enforcement Administration is not beyond reproach, the DEA was cited for several "material weaknesses" - the most severe criticism in professional accounting (Cleaning up the Mess, 1998). Providing direction and having accountability processes in place will serve to protect the officers, the department and the city as a whole from any questionable practices or surprises.

## **METHODOLOGY**

The purpose of this research project is to define goals and objectives of the police narcotic unit, address the needs of the community, legal aspects and the relevance to the officers assigned to the unit. Of utmost importance, is to provide officers with guidelines to ensure their understanding and adherence to the expectations of the administration.

Undoubtedly, there is a need for a narcotic unit policy within the Allen Police Department that defines goals and objectives and guidelines for the officers assigned to the unit. As with any department that assigns officers to work narcotics in any capacity, those officers require direction from administration to guide them through proper procedures as well as a measurement tool for efficiency and effectiveness of the officers and the unit. Officers operating under clear guidelines will almost assuredly develop their confidence and expertise in this field.

To establish the most effective standard operating procedure for the Allen Police Department numerous inquiries of surrounding agencies were conducted. A written and

telephone survey asking for a response to the following questions were conducted (see appendix):

- Does your agency have a Narcotic's Unit (size) or Officer?
- Does your agency have a Policy or Procedure (SOP) for the Narcotic's Unit?
- How large is your Department's sworn force?
- Has your Department experienced litigation stemming from your narcotic's policy or Lack of? Explain?
- .What is the population of your City or County?

Size of the sworn force and the population of the city or counties were taken into consideration to place the agencies into categories:

Agency size	Population	Pol/SOP	Litigation
. Small (8-75) sworn,	6,000 - 25,000	0	I
. medium (47-111) sworn,	26,000 - 62,000	2	0
. large (100-502) sworn,	90,000 - 500,000	5	1

Of the two reported lawsuits, one was for the use of stun devices and one for search and seizure issues. Other agencies reported no knowledge of lawsuits applicable to the narcotics personnel alone.

Numerous law enforcement books on narcotics investigations and manuals were referenced for material that would be relevant to the development of writing a narcotics unit policy.

## **FINDINGS**

The City of Allen demographics are changing at an enormous rate. The projected population growth for January 2000 was 43,134. Allen's actual population in January 2000 was

50,000. Estimated population at time of build-out is 130,000. With this growth, the police department will only be proactive by implementing standards and policy for the narcotics unit personnel. The citizens of Allen expect a high degree of knowledge and professionalism from their police department, as evidenced by discussion at town hall meetings for the last three years, in regards to narcotics related offenses.

Legally the department is not required to have an established policy in narcotics investigations, and surveys revealed that agencies can be liable for the actions of their employees with or without written policy or guidelines. The written policy would assist the narcotics investigators by providing them goals, objectives and guidelines. A departmental policy must create a legal duty to a potential plaintiff before a violation of that policy can create a liability. The basis for a lawsuit are (1) existence of a legal duty owed by one party to another (2) an alleged breach of that duty (3) injury or loss resulting from that breach. These bases for potential lawsuits would be taken into account when drafting a policy for the Allen Police Department. Drafting a disclaimer to the policy would also reduce the risk that a policy violation will be viewed as relevant in the event of a lawsuit (Hall, 1999). Allen Police Department has such a disclaimer: "*This General Order is for internal use only, and does not enhance an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this General Order, if proven, can only form the basis of a complaint by this department and only in a non-judicial, administrative setting. This General Order does not, in any way, alter the "At Will" status employment policies of the City of Allen or this Department*" (Allen Police Department, 1999).

Utilizing a survey of several police agencies, it was found that most departments of similar size and demographics to the Allen Police Department do not have a narcotics policy. In fact most state that their agencies work without policy or utilize direction from other departmental policies not suited specifically for the operations of a narcotics unit or have officers assigned to a drug enforcement task force that writes its own policies and/or standard operating procedures. Officers assigned to work narcotics investigations in any capacity must be certain of the objective in order to carry out proper investigations.

A survey of twenty-six agencies was conducted to determine those that had narcotics personnel, policies or procedures specific to narcotics, sworn force, litigation and population. Twenty-six responded to the survey. The agencies were placed into categorical size by sworn force and population. Out of twelve large agencies, five had established policy or standard operating procedures. Five of the large agencies also had officers assigned to drug enforcement task forces that had established policies of their own. Seven medium size agencies responded, two of those had standard operating procedures. Seven small agencies responded, none had policy or standard operating procedures for officers working narcotics assignments. Out of twenty-six agencies, only seven had established policy or standard operating procedures. The agencies that did not have guidelines stated they felt such a policy or procedure would benefit their agency personnel. Five policies from large departments (Odessa, Mesquite, Richardson, Garland and the TNCP) were obtained and reviewed for content and applicability for the Allen Police Department.

Information obtained from those policies or standard operating procedures contain a variety of guidelines that apply to the Allen Police Department. All of the policies or procedures

have some of the standard guidelines that can be adopted by Allen, however, due to the size of the large agencies investigative units some of the information would have to be eliminated.

Most of the large agency policies obtained address issues pertinent to the Allen Police Department. While some were more extensive and comprehensive they will serve as more than adequate guidelines for the establishment of a policy for the Allen Police Department. While City of Allen narcotics personnel will be asked for their input and assistance in the development of policy or standard operating procedure, a draft of the policies or standard operating procedures received from the large agencies will be accumulated and presented for additions or deletions of appropriate information.

A review of International Association of Chiefs of Police Model Policies provided five model policies that would have an impact on written policy. Confidential Informants policy discusses the use and management of confidential informants in investigation, establishment of informant forms and files, and the legal use of Informant Management (LA.C.P., 1989). Confidential Funds (LA.C.P., 1990) procedures for authorization, accounting and audits, withdrawals and expenditures. Cooperative Drug Enforcement Units (LA.C.P., 1990) supervision and regulation of unit personnel and operational planning. Conducting Stakeouts (LA.C.P., 1992) provided procedures for preparation, deployment, equipment, briefings and communications. Strip and Body Cavity Searches (LA.C.P., 1995) had information on legal requirements, justification and reasonableness.

A review of the policies or standard operating procedures of the five large departments provided appear to have sufficient guidelines for basic operations and reporting procedures expected by the narcotics personnel. Most take into account undercover operations, officer safety, evidence procedures, seizure and forfeiture procedures, search warrant/raid procedures,

informant control procedures, intelligence information, funds management, and reporting procedures. The T.N.C.P. provides more direction, possibly because of the size of the program and places much more detailed guidelines to encompass the statewide program.

By reviewing several documents and departmental policies, clearly several issues would have to be addressed. A clear and concise policy or standard operating procedure should contain goals and objectives, personnel selection and training, investigative techniques, intelligence information and management, search/seizure/forfeiture procedures, informant selection and management, evidence collection/preservation, reporting procedures and management of funds.

An interview with the personnel currently working in the narcotics unit revealed their desire for established guidelines. All report that a clearly stated mission, goals and objectives, and guidelines would assist them in their daily operations. Working under guidelines has assisted in the past when having to testify in criminal proceedings. When challenged in court the established guidelines were referred to and testimony was provided that because of those guidelines it is done the same way each and every time (L. Dodson, personal communication, February 23, 2001). Investigator Dodson has worked in narcotics investigations for the past fifteen years. His experience in working for agencies with policy or standard operating procedures has afforded him the guidance and clear expectations of the administration that has made him successful in the field of narcotics investigations. Employees having a clear understanding of what is expected and having the guidelines to lead them through the processes to complete proper investigations will most certainly have a positive effect on the narcotics personnel.

## DISCUSSION

The purpose of this research project is to define goals and objectives of the police narcotic unit, address the needs of the community, legal aspects and the relevance to the officers assigned to the unit.

Undoubtedly, there is a need for a narcotic unit policy within the Allen Police Department that defines goals and objectives and guidelines for the officers assigned to the unit. As with any department that assigns an officer to work narcotics in any capacity, those officers require direction from administration to guide them through proper procedure as well as a measurement tool for efficiency and effectiveness of the officers and the unit. Officers operating under clear guidelines will almost assuredly develop their confidence and expertise in this field.

In conclusion, it seems critical that law enforcement agencies should be capable of developing and implementing policies that are deemed necessary to fulfil their missions without being overly concerned that doing so will create increased risks of liability (Hall, 1999). Although, the Allen Police Department is not an accredited agency, all of its policies are researched and written in accordance with the Commission on Accreditation of Law Enforcement Agencies (CALEA) and any relevant case law available. All policies are reviewed to ensure compliance with the City of Allen Policy and Procedure and approved by the Department's Police Legal Advisor, prior to implementation (Myrick, 1999).

As stated by police legal advisor, Sim Goodall of the Arlington Police Department, "I would much rather defend an officer operating under policy or standard operating procedure, than one who did not have one. Why would we even consider not providing the direction, guidelines and training that any officer needs to be a knowledgeable, productive, efficient and successful employee".



The desire of any administration is to ensure the education, productivity, efficiency and success of their personnel. While all areas of the department are vital links to an agency, and require direction and accountability, the narcotics unit is one of the most critical. Due to the very nature of the operations narcotics officers conduct on a daily basis, they are much more susceptible to loss of credibility and much worse their integrity. Officers assigned to the narcotics unit operating without the appropriate policy and procedures and proper direction and guidance from administration cannot be held accountable for stepping outside of the "umbrella" of protection from the department.

## REFERENCES

Allen Police Department (1999). Written directives policy [Officer Manual]. Allen, TX: Author.

Brown, M. (1989). Narcotics investigations in smaller agencies. Police Chief. 56 (10), p. 103-104, 109-112.

Cleaning up the Mess: Audit rips DEA accounting practices (1998, September). Law enforcement news (496), p. 5.

Cushing, M. (1989). Combating street level narcotics sales. The Police Chief. 56 (10), p.113.

Ex-Officer Pleads Guilty to Stealing (1997, July 3). Dallas Morning News. pp. AI.

Garland Police Department (1998). Narcotics section standard operating Procedure. [Officer Manual]. Garland, TX: Author.

Hall, J. (1999). Liability implications of departmental policy violations [On-line]. Available: <http://www.leo.fbi.gov>

International Association of Chiefs of Police (1992). Conducting stakeouts. [Model policy # 22]. Alexandria, V A: National Law Enforcement Policy Center.

International Association of Chiefs of Police (1990). Confidential funds. [Model policy # 13]. Alexandria, VA: National Law Enforcement Policy Center.

International Association of Chiefs of Police (1990). Cooperative drug enforcement units. [Model policy # 15]. Alexandria, VA: National Law Enforcement Policy Center.

International Association of Chiefs of Police (1989). Informant management. [Model policy # 12]. Alexandria, VA: National Law Enforcement Policy Center.

International Association of Chiefs of Police (1995). StriP and body cavity searches. [Model policy # 33]. Alexandria, V A: National Law Enforcement Policy Center.

Lyman, M. (1989). Practical drug enforcement: procedures and administration. New York, NY: Elsevier Science Publishing.

Mahoney, P. (1992). Narcotics investigations in smaller agencies. Police Chief. 56 (10), 112.

Manning P. (1979). The narcs' game: organization and information limits on drug enforcement. Cambridge, MA. MIT Press

Mesquite Police Department (2000). Written directives policy. [Officer Manual]. Mesquite, TX: Author.

Myrick, B. (1999) Police discipline: establishing internal affairs units in small law enforcement agencies. Unpublished research paper, The Bill Blackwood Law Enforcement Institute, Huntsville, TX.

Odessa Police Department (1995). Standard operating procedure. [Officer Manual]. Odessa, TX: Author.

Richardson Police Department. (1998). Standard operating procedure. [Officer Manual]. Richardson, TX: Author.

Smejkal, G. (1996) Random routine drug testing: maintaining credibility and integrity in a narcotics unit. Unpublished research paper, The Bill Blackwood Law Enforcement Institute, Huntsville, TX.

Texas Narcotic Control Program (1998). Standard operating procedure. [Officer Manual]. State of TX: Author.

Tonry, M. and Wilson, J. (1990). Drugs and Crime. Chicago: University of Chicago Press.

## APPENDIX

### SURVEY NARCOTIC'S UNIT MID - LARGE SIXE AGENCIES

Does your agency have a Narcotic's Unit (size) or Officer?

Does your agency have a Policy or Procedure (SOP) for the Narcotic's Unit?

How lame is your Department's sworn force?

Has your Department experienced litigation stemming; from your narcotic's policy or lack of? Explain?

What is the population of your city?

Thank you,

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